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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/605,224	09/16/2003	Sean L. Roe	014190-000003 2223	
24239 7	7590 05/11/2005		EXAMINER	
MOORE & VAN ALLEN PLLC P.O. BOX 13706			MCMAHON, MARGUERITE J	
Research Triangle Park, NC 27709			ART UNIT	PAPER NUMBER
	3		3747	

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 12/11/03. S. Patent and Trademark Office								
Examinor		Application No.	Applicant(s)					
Marguerite J. McMahan 3747 374	Office Astion Comments	10/605,224	ROE, SEAN L.					
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edebasies of team mylo be valished with previous of 37 CFR 1.138(a). In or event, however, may a reply be timely filed the pariod for reply specified above is less than hithy (30) slays, a reply within the statutory minimum of thinly (30) slays will be considered timely. If the pariod for reply specified above is less than hithy (30) slays, a reply within the statutory minimum of thinly (30) slays will be considered timely. If the pariod for reply specified above is less than hithy (30) slays, a reply within the statutory minimum of thinly (30) slays will be considered timely. If the pariod for reply specified above is less than hithy (30) slays, a reply within the statutory minimum of thinly (30) slays will be considered timely. If the pariod for reply is specified above is less than hithy (30) slays, a reply within the statutory minimum of thinly (30) slays will be considered timely. If the pariod for reply is specified above is less than hithy (30) slays, a reply within the statutory minimum of thinly (30) slays will be considered timely. Application is FINAL. 2b) ☑ This action is FINAL. 2c) ☑ This action is final. 3c) ☐ Since this application is in condition of rallowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 1.18 is/are pending in the application. 4) ☑ Claim(s) 1.18 is/are allowed. 6) ☑ Claim(s) 1.18 is/are allowed. 6) ☑ Claim(s) 1.18 is/are rejected. 7) ☑ Claim(s) 5.6, 8 is/are allowed. 6) ☑ Claim(s) 3.18 is/are allowed. 7) ☑ Claim(s) 5.6, 8 is/are allowed. 8) ☐ Claim(s) 5.6, 8 is/are allowed. 9) ☐ The pendification is objected to by the Examiner. 10) ☐ The drawing(s) filed on	Office Action Summary	Examiner	Art Unit					
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DETAILED ACTION

Election/Restrictions

Claims 10-14 and 16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/11/03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4, 7, and 15, are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kimura (4,363,340). Note an intake manifold for an engine, including an engine block with at least one cylinder inlet which is supplied with an air-fuel mixture from the intake manifold, the intake manifold comprising: a housing 16 defining an interior cavity and having an exterior surface, the housing having at least one air in-flow passage 22 from the exterior surface of the housing to the interior cavity, and the housing including at least one side wall, the side wall having a substantially planar wall interior cavity surface and a side wall exterior surface, the side wall defining at least one air-fuel out-flow passage from the interior cavity to the side wall exterior surface, wherein the intake manifold is mounted to

engage the engine block so that the air-fuel out-flow passage and the engine cylinder inlet are aligned to allow the air-fuel mixture to pass from the air-fuel out-flow passage to the engine cylinder inlet. Note that it would have been obvious, if not inherent that the interior cavity surface would be planar and the side wall would have a substantially uniform thickness, since the exterior surface is planar, and there is no reason to suppose that the interior surface does not have the same form as the exterior surface.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumura (4,353,340). Kumura shows everything except the air-fuel out-flow passage being between 2.125 and 2.224 inches in length. It would have been an obvious matter of design choice, as to the length of the air-fuel out-flow passage, as this would vary with the size of the application, and is considered to be within the level of ordinary skill in the art.

Allowable Subject Matter

Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8 and 9 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marguerite J. McMahon whose telephone number is 703-308-1956. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuen Henry can be reached on 703-308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARGUERITE MCMAHON
PRIMARY EXAMINER